



Defendants are currently without sufficient information to admit or deny the remainder of paragraph 4 and, therefore, deny the same.

5. Defendants are currently without sufficient information to admit or deny the allegations stated in paragraph 5 and, therefore, deny the same.

6. All allegations in the plaintiff's Complaint not expressly admitted herein are denied.

**Affirmative and Separate Defenses**

Defendants state the following as their affirmative and separate defenses:

1. Defendants deny that the plaintiff's incident occurred as described in her Complaint.

2. Defendants deny being guilty of any act of negligence which proximately caused the incident in question.

3. Defendants deny breaching any legal duty owed to the plaintiff.

4. Defendants affirmatively aver and will make the defense at trial that the plaintiff was contributorily negligent and/or assumed the risk of her injuries, thereby barring her recovery herein, should evidence supporting such defenses be developed during the course of discovery or at trial.

5. Defendants affirmatively aver and will make the defense at trial that the condition complained of was open and obvious to the plaintiff and, therefore, required no warning on their part, should such a defense be developed during the course of discovery or at trial.

6. Defendants affirmatively aver and will make the defense at trial that the condition complained of does not amount to an "unsafe condition" or "defect" under Virginia law, should evidence supporting such a defense be developed during the course of discovery or at trial.

7. Defendants affirmatively aver and will make the defense at trial that the plaintiff's injuries were caused by a third party or parties for whose actions they are not responsible at law, should evidence supporting such a defense be developed during the course of discovery or at trial.

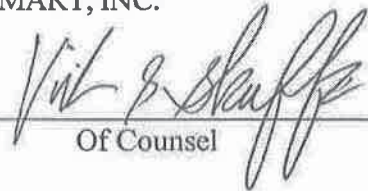
8. Defendants reserve the right to rely upon any and all defenses available to them under the law, specifically including, but not limited to, failure to file suit within the applicable statute of limitations, accord and satisfaction, and/or failure to mitigate damages, should evidence supporting such defenses be developed during the course of discovery or at trial.

9. Defendants deny that the plaintiff was injured and damaged to the extent and with the consequences alleged in the Complaint and, therefore, call upon the plaintiff for strict proof of all such alleged damages.

10. Defendants deny that Walmart, Inc. is a proper party to this lawsuit.

11. Defendants demand a trial by jury.

SAM'S EAST, INC., and  
WALMART, INC.

By:   
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**CERTIFICATE OF SERVICE**

I hereby certify that on 14th day of December, 2020, a copy of the foregoing Answer was sent by first-class mail to the following:

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By: \_\_\_\_\_

  
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